

### REMARKS

Claims 2-17, 19 and 21-42 remain in this application, of which Claims 4-12, 15, 17 and 21-32 have been withdrawn from examination as being directed to non-elected species. Claims 1, 18 and 20 have been canceled without prejudice or disclaimer of subject matter. Claims 2-17, 19 and 21-33 have been amended to define still more clearly what Applicant regards as his invention, in terms that distinguish over the art (it will be noted that a number of claims withdrawn have been amended to conform their terms to changes that have been made to the claims under examination). Of the claims under consideration, Claims 2, 13, 19 and 33 are independent.

Of the claims under consideration, Claims 2, 3, 19 and 33-42 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,520,964 (Tallarida et al.), and Claims 13, 14 and 16, as being anticipated by U.S. Patent 5,800,550 (Sertich).

The background and purpose of the present invention has been discussed in adequate detail in Applicant's previous papers, and it is not deemed necessary to repeat that discussion in detail. Suffice it to say that, as a particularly important aspect of the present invention is to provide surgical implants, and a kit of such implants, of a sort structured appropriately for use in rhinoplastic procedures.

In particular, Claim 2 is directed to a surgically-implantable object that has a connector element, the object being shaped to serve as a rhinoplastic augment, and the connector element including an element selected from the group consisting of (1) a female connector element and (2) a male connector element. Claim 2 further specifies that the male and female connector elements are respectively shaped such as to be snappingly attachable to each other.

To begin with, neither of the documents relied upon in the outstanding Office Action has anything to do with rhinoplasty, and neither contains any teaching explicitly relating to that field. *Tallarida* relates to a system for joint resurface repair, in which an element 41 can, in one embodiment, be secured to a fixation screw 10 by means

of snap fit (col. 11, lines 20-23). Nothing else in this patent has to do with a snap fit.

Accordingly, Claim 2 is believed to be clearly allowable over *Tallarida*.

Independent Claim 19 is directed to a surgical kit for rhinoplasty, including at least first and second surgical implants each having a respective connector element, with the connector element of the first surgical implant being a female connector element and that of the first surgical implant being a male connector element. Moreover, the male and female connector elements are recited as being respectively shaped such as to be snappingly attachable to each other, and the first and second surgical implants being provided in the kit with the male and female connector elements not snappingly attached to each other.

Claim 19 is believed to be allowable over *Tallarida* for at least the same reasons as is Claim 2.

Independent Claim 13 is directed to a surgically implantable strut that has at least one portion extending in a first direction, that portion having a plurality of through-openings formed in it. According to Claim 13, the through-openings are arranged adjacent to each other in a row that extends in the first direction, and the through-openings are formed such as to increase the ease with which the strut can be bent in at least one direction transverse to that first direction. In addition, the portion has at least one connector element, the connector element including an element selected from the group consisting of (1) a female connector element and (2) a male connector element, with the male and female connector elements being respectively shaped such as to be snappingly attachable to each other.

*Sertich* relates to an implant for use in spinal surgery, of a type known as an interbody fusion cage. The cage 30 includes an arrangement in which the turning of a screw causes pegs 70 to be extruded out the top and bottom of the cage 30, and into the bone above and below the cage. When the pegs 70 are sufficiently far out, springs 86 move through their own resilience into recesses provided for that purpose, securing the cage in place. Nothing has been found, or pointed out, in *Sertich*, however, that would teach or

suggest anything corresponding remotely to the recited through-holes arranged as recited in Claim 13.

For these reasons, it is believed that Claim 13 also is plainly allowable over *Sertich*.

Independent Claim 33 is directed to a rhinoplastic surgical kit comprising a first rhinoplastic surgical implant having a first connector element, and a second rhinoplastic surgical implant having a second connector element. According to Claim 33, the first and second connector elements are adapted to engage each other in such manner as to secure themselves together without use of screws, and the first and second surgical implants are provided in the kit with the first and second connector elements not engaging each other.

Claim 33 is also believed to be clearly allowable over these patents for the same reasons as are Claims 2 and 13.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims under consideration in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

Moreover, since generic Claim 2 is believed to be allowable, rejoinder and passage to issue of the other claims withdrawn from consideration and encompassed within the genus defined by Claim 2, is also respectfully requested.

RENEWED REQUEST FOR PERSONAL INTERVIEW

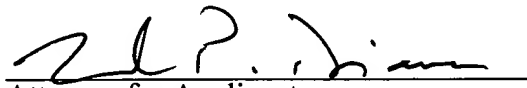
Applicant respectfully requests a personal interview prior to issuance of the Examiner's next action, and Applicant's representative will contact the Examiner to schedule such interview shortly. Nonetheless, should the Examiner take this case up for action before such interview has been scheduled, he is requested to contact Applicant's attorney and schedule such interview prior to acting.

CONCLUSION

Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Attorney for Applicant

Registration No. 28,286

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
NY\_MAIN 424154 v1